

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	Case No. 1:22-cr-15
)	
v.)	Judge Atchley
)	
JACOB CREEK)	Magistrate Judge Lee

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count Two of the two-count Indictment; (2) accept Defendant's guilty plea as to Count Two; (3) adjudicate the Defendant guilty of Count Two; (4) defer a decision on whether to accept the plea agreement (Doc. 39) until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter (Doc. 46). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 46) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count Two of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count Two is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count Two;
4. A decision on whether to accept the plea agreement (Doc. 39) is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **February 15, 2024 at 10:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

s/ Charles E. Atchley, Jr.

**CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE**